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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re E.P., a Person Coming Under the
Juvenile Court Law.

B212418
(Los Angeles County
Super. Ct. No. CK70071)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Respondent,

v.

E.M.,

Appellant.

APPEAL from an order of the Superior Court of the County of Los Angeles, Jan
G. Levine, Judge. Dismissed.

Jack A. Love, under appointment by the Court of Appeal, for Appellant.

Raymond G. Fortner, Jr., County Counsel, James M. Owens, Assistant County
Counsel, and Melinda White-Svec, Deputy County Counsel, for Respondent.

MOTION TO DISMISS

The father of minor, E.P., appellant E.M. (father), filed an appeal from the juvenile court's November 18, 2008, order denying his request for a home of parent order and instead requiring him to participate further in family reunification services. On March 30, 2009, however, the juvenile court found father in compliance with his case plan and issued a home of parent order for father.¹

Based on the order placing E.M. in the home of father, DCFS moved to dismiss the appeal as moot. According to DCFS, the only relief sought by father on appeal is an order placing E.M. at home with father—the same relief granted by the juvenile court on March 30, 2009. DCFS therefore contends that the appeal is moot because father cannot obtain the relief requested as he is no longer aggrieved by the challenged order.

Father does not dispute that the issue on appeal has been mooted by the March 30, 2009, minute order. Nevertheless, he argues that we have discretion to decide the appeal because it raises issues of public importance and the asserted errors may “infect” the outcome of subsequent proceedings.

We agree that the issue on appeal is moot because the only relief sought by father has been provided by the juvenile court's March 30, 2009, order, making it impossible for this court to grant effective relief. (*Californians for an Open Primary v. McPherson* (2006) 38 Cal.4th 735, 783 [““[W]hen, pending an appeal from the judgment of a lower court, and without any fault of the defendant, an event occurs which renders it impossible for [the appellate] court, if it should decide the case in favor of plaintiff, to grant him any effectual relief whatever,” the appeal is moot. (*Consol. etc. Corp. v. United A. etc. Workers* (1946) 27 Cal.2d 859, 863 [167 P.2d 725]; accord, e.g., *Simi Corp. v. Garamendi* (2003) 109 Cal.App.4th 1496, 1503 [1 Cal.Rptr.3d 207] [‘A case becomes

¹ The motion to augment the record filed by respondent Department of Children and Family Services (DCFS) requesting us to take judicial notice of the juvenile court's March 30, 2009, minute order is granted.

moot when a court ruling can have no practical impact or cannot provide the parties with effective relief’].)’].) Contrary to father’s assertion, the issue of whether father’s lack of visitation prior to detention should have been considered by the juvenile court in light of father’s subsequent successful visitation is a matter limited to the facts of this case, and does not raise an issue of public importance. Therefore, it does not warrant an exercise of discretion to hear the appeal even though it is moot. Similarly, because father now has obtained in the juvenile court the relief he seeks here—the home of parent order—the asserted errors will not “infect” subsequent proceedings. Accordingly, the appeal should be dismissed.

DISPOSITION

The appeal is dismissed.

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MOSK, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.